

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD  
777 NORTH CAPITOL STREET, N.E.,  
WASHINGTON, D.C. 20002-4239**

**RESOLUTION TO APPROVE  
A CONTINGENCY COURSE OF ACTION  
FOR THE AIR QUALITY CONFORMITY ANALYSIS FOR  
THE 2008 CONSTRAINED LONG RANGE PLAN (CLRP) AND  
FY 2009-2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)  
WHICH DOES NOT RELY ON FUNDING FROM THE NORTHERN VIRGINIA  
TRANSPORTATION AUTHORITY (NVTA)**

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB), as the metropolitan planning organization for the Washington Metropolitan Area, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, on February 20, 2008, the TPB adopted resolution R15-2008 approving a set of project submissions, some of which include Northern Virginia Transportation Authority (NVTA) funded projects, for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP ; and

**WHEREAS**, the schedule calls for the TPB to release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment for public comment in June and for adoption in July; and

**WHEREAS**, on February 29, 2008 the Virginia Supreme Court declared that the taxing ability of the NVTA was unconstitutional; and

**WHEREAS**, in the attached letter of March 6, 2008 to the Virginia Department of Transportation (VDOT), the Virginia Division of the Federal Highway Administration (FHWA) states that any amendments to the CLRP or TIP must reflect the current revenue situation in order to meet federal fiscal constraint requirements, which means that unless the Virginia General Assembly acts by June to restore NVTA funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP; and

**WHEREAS**, in the attached letter of March 17, 2008 to Virginia Division of FHWA, VDOT expresses confidence that the Virginia General Assembly will, in the near future, provide a funding mechanism for raising additional transportation revenues for Northern Virginia; and

**WHEREAS**, if the NVTA funding has been restored by the Commonwealth by June, the

TPB will release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment with the projects as approved on February 20 for public comment as scheduled originally; and

**WHEREAS**, due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, a contingency course of action is required for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP; and

**WHEREAS**, in the attached letter of April 10, 2008, VDOT requests that the TPB have a contingency course of action for the 2008 CLRP and FY 2009-2014 TIP, with the following two components: (1) that TPB adopt an FY 2009 -2014 TIP in July so the VDOT portion of the TIP can be included in the new FY 2009 VDOT State Transportation Improvement Program (STIP) which needs to be approved by the FHWA and FTA by September of this year when the current STIP expires, and (2) that TPB conduct a conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with an alternative set of project inputs that do not depend on NVTA funding; and

**WHEREAS**, a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with the two components requested by VDOT is described in detail in the attached memorandum to the TPB of April 10, 2008 ; and

**WHEREAS**, on April 16, 2008, the TPB was briefed on the contingency course of action and schedule, and the contingency set of project submissions that remove from the 2008 CLRP and FY 2009-2014 TIP those project inputs approved by the TPB in February which are dependent on NVTA funding and for which funding may no longer be reasonably expected to be available; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the National Capital Region Transportation Planning Board approves the contingency course of action and schedule described in the attached memorandum of April 10 2008, and the contingency set of project submissions for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP, as described in the attachment to the VDOT letter of April 10, 2008.

Adopted by the Transportation Planning Board at its regular meeting on April 16, 2008.